

JACOB AARON ESHER, ESQ.
COMMERCIAL DISPUTE RESOLUTION

Altman Riley Esher LLP
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Bankruptcy Dispute Resolution Experience

“At today’s status conference, [the] Judge asked who mediated the case and commended you. He said he knew it was you but just wanted to get it in the record (and let other lawyers in the courtroom hear it). Likewise, I wish we had more mediators like you down here. We have just a handful of mediators who are nice people but don’t know how to delve into the issues and be persuasive with both sides.”

Jack Esher is a pioneer in the use of alternative dispute resolution procedures in bankruptcy cases. He founded the American Bankruptcy Institute’s Committee on ADR in 1994 and authored the first *Mediation Manual* published on bankruptcy matters (ABI, 1996), now accompanied by his co-authorship of the acclaimed *ABI Guide to Bankruptcy Mediation* (ABI, 2005). He is a frequently requested lecturer and trainer of ADR concepts and skills to judges, lawyers and business leaders. Since 1977, Mr. Esher has practiced as a specialist in bankruptcy law in California and Massachusetts, representing debtors, lenders, committees and creditors throughout the country.

Representative Matters

- *In re Fleming*, Preference Facility Mediator
- *In re Jamesway*, Claims Mediator
- *In re Rich’s Department Stores*, Claims Arbitrator
- *In re Malden Mills*, Mediation of multi-party contract/insurance dispute
- *In re ACT Manufacturing*, Mediation of multi-party dispute arising from sale of assets and involving a class of priority and unsecured creditors
- Has served as a court-appointed mediator or arbitrator in numerous bankruptcy cases
- Has mediated and arbitrated various debtor-creditor commercial and consumer disputes involving secured lending/DIP financing, stay relief/violations, mortgage lending, dischargeability, avoidance actions and other asset recovery matters

Honors, Memberships, and Professional Activities

- Member, Panel of Mediators and Arbitrators, United States Bankruptcy Court for the District of Delaware
- Founding Chair, ADR Committee ABI, 1994-2001
- Chair, ADR Subcommittee of the Boston Bar Association (Bankruptcy Section), 1995-1998
- Author of numerous treatises and articles on ADR and commercial cases, including *Arbitration and Judicial Discretion: Circuits Are Split* (Norton Bankruptcy Law Adviser, 2006); *ABI Guide to Bankruptcy Mediation* (co-author, ABI, 2005); *Claims Resolution Facilities* (CPR, 2003); *ADR Comes to Bankruptcy* (ABA DR Journal, 2003); *Valuing and Selling Intellectual Property* (ABI, 2002); *Fast, Painless Claims Relief for Judges* (co-author, NCBJ Conference News, 2001)
- Primary author of *Alternative Dispute Resolution in Bankruptcy Practice*, Chapter 11 Theory and Practice, Queenan, Hendel and Hillinger (LRP Publications)

Lectures and ADR Trainings Conducted

- Basic and Advanced Mediation Trainings, Thailand Office of the Judiciary (2001-2005)
- Developments in International ADR (ABI, 2005)
- JAMS Mediation Trainings for Judges and Professionals (1993-2004)
- ADR and Mediation Options in Bankruptcy Cases (ABI, 2004)
- Claims Resolution Procedures in Bankruptcy Cases (CPR, 2003)
- ADR & Bankruptcy: The Next Generation (NCBJ, 2001)
- Effective Negotiating (ABI, 1999 and 2001)
- Dispute Resolution Training for Judges, Alaska Federal and State Courts (1998)
- Mediation Skills, New Hampshire Superior Court (1997)
- Alternative Dispute Resolution Panel (ABA, Banking Law Committee 1997)

-Attorney for
Plaintiffs

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Background and Education

Partner, Altman Riley Esher LLP, Boston, MA, 1999-present
Mediator and Arbitrator, JAMS, Boston, MA, 1996-2006
Partner, Rubin and Rudman LLP, Boston, MA, 1990-1999
Partner, Riemer & Braunstein, Boston, MA, 1984-1990
Owner, Law and Mediation Offices, San Francisco and Petaluma, CA, 1982-1984
Associate, Bank of America, San Francisco, 1979-1982
Associate, Murphy, Weir & Butler, San Francisco, CA, 1977-1979

J.D., *magna cum laude*, University of San Francisco School of Law, 1977
B.A., Brandeis University, 1972

References Available Upon Request